



Entered on Docket  
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**EMC Mortgage Corporation**  
08-76917 / 0015583388

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

**In Re:**

**Rayshaine Hartwell**  
**Debtors.**

**08-18304-LBR**

**Chapter 13**

**ORDER VACATING AUTOMATIC STAY**

Pursuant to the Declaration re Breach of Condition filed on August 27, 2009 and Debtors failure to cure the default prior to its expiration, and good cause appearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to Secured Creditor, EMC Mortgage Corporation its assignees and/or successors in interest, and Secured Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally described as 8731 James Rqul Ave. , Las Vegas NV and legally described as follows:

**PARCEL I:**

Lot Twenty-One (21) in Block Two (2) of SAN MARINO III (A Common Interest Community), as shown by map thereof on file in Book 114, of Plats, Page 25 in the Office of the County Recorder of Clark County, Nevada.

**PARCEL II:**

A non-exclusive easement for ingress, egress, use and enjoyment over those portions of said map shown as "Private Street" and "Common Areas", which easement is appurtenant to Parcel.

pursuant to applicable State Laws, and thereafter commence any action necessary to obtain complete possession of the subject property.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

DATED this \_16th\_ day of \_September\_, 2009

Submitted by:  
Wilde & Associates

/s/ Gregory L. Wilde

By

**GREGORY L. WILDE, ESQ.**  
Attorney for Secured Creditor  
208 South Jones Boulevard  
Las Vegas, Nevada 89107

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any  
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,  
and each has approved or disapproved the order, or failed to respond, as indicated below  
(list each party and whether the party has approved, disapproved, or failed to respond to the  
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: \_\_\_\_\_

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of  
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which  
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor